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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,966	09/09/2003	Janine R. Bond	ITC-13202/08	3130

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EXAMINER

MACKEY, JAMES P

ART UNIT PAPER NUMBER

1722

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/658,966

Applicant(s)

BOND, JANINE R.

Examiner

James Mackey

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/9/2004.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

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1. The submission of a new declaration on 02 February 2004 is acknowledged. In view of the **deletion of joint inventor Juhan Kim** in said newly submitted declaration, this submission will be considered to be a Request to Change Inventorship by deleting an inventor; however, such a Request to Change Inventorship is inadequate (see below), and a proper Petition to Change Inventorship should be submitted (with the required fee and statement), as appropriate.

2. The request for the deletion of an inventor in this nonprovisional application under 37 CFR 1.48(b) is deficient because:

It lacks the required fee under 37 CFR 1.17(i).

The request was not accompanied by the statement required under 37 CFR 1.48(b)(2).

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 3-6 are unclear and indefinite, in that the powder assembly includes the first lift and first frame, and so “wherein said powder assembly is affixed to said first frame” is indefinite as to how the powder assembly may be affixed to part of itself. Similarly, “a first rod affixed to said powder assembly” is indefinite, since the first cylinder and first rod are defined as being a part of the powder assembly. Claim 17 is similarly indefinite. **For purposes of examination**, it will be assumed that the powder reservoir is affixed to the first frame, and the first rod is affixed to the first frame.

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Likewise, claim 10, lines 4-7 are unclear and indefinite, in that the cooling assembly includes the second lift and second frame, and so “wherein said cooling assembly is affixed to said second frame” is indefinite as to how the cooling assembly may be affixed to part of itself. Similarly, “a second rod affixed to said cooling assembly” is indefinite, since the second cylinder and second rod are defined as being a part of the cooling assembly. Claim 17 is similarly indefinite. **For purposes of examination**, it will be assumed that the coolant reservoir is affixed to the second frame, and the second rod is affixed to the second frame.

In claims 9 and 20, the claim language “said skirt is detachably, selectively coupled to the inner surface of the tool” is indefinite in that the claims do not recite adequate structure to accomplish this function, and therefore the claim is indefinite as to exactly what structure is intended to be claimed. In other words, claims 9 and 20 are incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. It is suggested that the phrase be changed to a means-plus-function clause.

Further in claim 20, “a skirt having an outer surface complementary to the inner surface of said tool” is a repeat limitation (note lines 4-5 of claim 17), and therefore the relationship of the skirt to the skirt recited in claim 17 is unclear.

5. Claims 1-20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The prior art of record does not teach or fairly suggest a slush molding machine comprising a tool, a cooling assembly, and a powder assembly having a powder reservoir and a lift, the lift including a frame having the powder reservoir affixed thereto and a cylinder having a rod affixed to the frame, as claimed in claims 1 and 17. The prior art of record does not teach or

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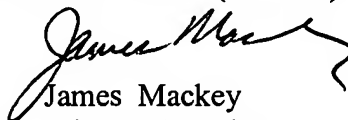
fairly suggest a slush molding machine comprising a tool, a powder assembly having a powder reservoir, and a cooling assembly having a coolant reservoir and a lift, the lift including a frame having the coolant reservoir affixed thereto and a cylinder having a rod affixed to the frame, as claimed in claims 10 and 17.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Mackey whose telephone number is 571-272-1135. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ben Utech can be reached on 571-272-1137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James Mackey  
Primary Examiner  
Art Unit 1722  
3/20/05

jpm  
March 20, 2005